

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GEORGE SPITTAL,

2:05-CV-0112-MCE-DAD

Plaintiff,

v.

MEMORANDUM AND ORDER

JERRY HOUSEMAN, ET AL.,

Defendants.

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On or about January 31, 2006, Plaintiff George Spittal submitted a document to the Court that it will construe as a Request for Reconsideration from this Court's Order dated January 26, 2006.¹ That Order adopted, in full, the Magistrate Judge's Proposed Findings and Recommendations filed November 16, 2005. Plaintiff's action was accordingly dismissed, with prejudice, for failure to state a claim.

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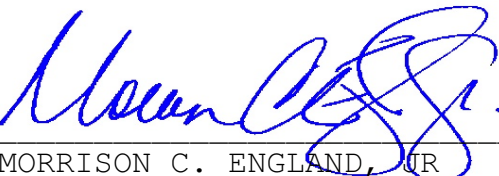
¹Because oral argument will not be of material assistance, the Court orders this matter submitted on the briefs. E.D. Cal. Local Rule 78-230(h).

1 Pursuant to Local Rule 78-230(k), an application for
2 reconsideration must set forth, by affidavit or brief, any new
3 material facts and circumstances that support a claim that the
4 Court's previous ruling be revisited. Here Plaintiff has failed
5 to offer any such new evidence bearing on the Court's prior
6 ruling; rather, he simply wants the Court to revisit its previous
7 Order. The instant request is consequently deficient on that
8 ground alone. In addition, however, Plaintiff's request offers
9 nothing substantively in any event to change the analysis set
10 forth in the Magistrate Judge's November 16, 2005 Findings and
11 Recommendations, which the Court previously adopted by its Order
12 of January 26, 2006.

13 For the reasons set forth above, Plaintiff's Motion for
14 Reconsideration is denied.

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16 IT IS SO ORDERED.

17 DATED: May 18, 2006

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21 MORRISON C. ENGLAND, JR.
22 UNITED STATES DISTRICT JUDGE
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